

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 23, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

QUINTON A. BROWN,

Defendants.

Nos. 2:23-CR-00002-RMP-3

ORDER DENYING
DEFENDANT'S MOTION
TO MODIFY CONDITIONS
OF RELEASE TO ALLOW
FURLOUGH TO INPATIENT
TREATMENT AND STRIKING
HEARING

MOTION DENIED
(ECF No. 278)

Before the Court is Defendant's Motion to Modify Conditions of Release to Allow Furlough to Inpatient Treatment. **ECF No. 278**. Specifically, Defendant seeks **release to ABHS, an inpatient substance abuse treatment facility on June 23, 2023, at 1:00 p.m.** to avail himself of substance abuse treatment. The United States does not oppose Defendant's motion and U.S. Probation has no position and defers to the Court.

The Court has reviewed Defendant's Motion to Modify Conditions of Release to Allow Furlough to Inpatient Treatment, **ECF No. 278**, and is fully informed.

The Court previously found that Defendant is "unlikely to abide by any conditions or combination of conditions of pretrial release." 18 U.S.C. § 3148(b)(2)(B); *United States v. Gotti*, 794 F.2d 773, 777 (2nd Cir. 1986) (the

1 alternative finding that Defendant is unlikely to comply with available release
2 conditions need only be established by a preponderance of the evidence). ECF
3 No. 192 at 2-3. The Court's prior findings were based on Defendant's prior
4 admissions to numerous violations of the conditions of his pretrial release. *Id.*
5 Notably, Defendant's admitted violations of his pretrial release involved his
6 repeated use of controlled substances while previously engaged in inpatient
7 substance abuse treatment at Pioneer Center East only a month ago, all of which
8 culminated in Defendant's unsuccessful discharge from inpatient substance abuse
9 treatment at Pioneer Center East. ECF No. 165. Accordingly, Defendant has
10 already had an opportunity to attend inpatient substance abuse treatment while
11 awaiting trial and was unsuccessful.

12 On the record before Court, the Court can divine no reason why the Court's
13 prior finding that Defendant is "unlikely to abide by any conditions or combination
14 of conditions of pretrial release" is no longer valid. ECF No. 192 at 2-3.
15 Defendant was afforded precisely the opportunity he now requests a month ago
16 and Defendant repeatedly used controlled substances while attending inpatient
17 substance abuse treatment. Defendant's prior actions obviously undermined his
18 own potential for success at inpatient treatment and almost certainly negatively
19 impacted other participants struggling to maintain their own sobriety.
20

21 The Court also notes and has considered that the Government apparently
22 does not oppose Defendant's motion. It is entirely unclear to the Court why the
23 Government would agree to Defendant's motion on this record, but the Court has
24 nonetheless considered the Government's position.

25 Accordingly, **IT IS ORDERED:**

26 1. The Defendant's Motion to Modify Conditions of Release to Allow
27 Furlough to Inpatient Treatment, **ECF No. 278**, is **DENIED** and the hearing
28

1 **currently scheduled for June 26, 2023, at 1:30 p.m. is STRICKEN.** Defendant
2 shall be held in detention pending disposition of this case or until further order of
3 the court.

4 2. Defendant is committed to the custody of the U.S. Marshal for
5 confinement separate, to the extent practicable, from persons awaiting or serving
6 sentences or being held in custody pending appeal.

7 3. Defendant shall be afforded reasonable opportunity for private
8 consultation with counsel.

9 4. If a party seeks reconsideration of Defendant's detention before this
10 Court because of material and newly discovered circumstances pursuant to 18 U.S.C.
11 § 3142(f), any such motion shall be a maximum of four-pages in length and shall
12 succinctly state what circumstances are new, how they are established, and the
13 requested change in conditions of release. The motion shall indicate whether
14 opposing counsel; United States Probation/Pretrial Services; or another party with a
15 substantial interest in the motion objects, whether a hearing is desired, and whether
16 a supplemental pretrial services report is requested. If the moving party, after the
17 exercise of due diligence, is unable to determine the position of any party listed
18 above, the moving party may in the alternative document the date; time; and manner
19 of each effort made to determine that party's position and request the Court treat the
20 motion as expedited and submitted without argument. **Motions in Yakima and**
21 **Spokane cases shall be heard on the following Wednesday docket, and Richland**
22 **cases shall be heard on the following Thursday docket.** If the Court determines
23 that oral argument is unnecessary on the motion, the motion shall be set for decision
24 on the Court's 6:30 p.m. docket.

25 5. If a party desires that another Court review this order pursuant to 18
26 U.S.C. § 3145, that party shall promptly file a motion for review before the district
27
28

1 judge to whom the case is assigned, as further described in the Detention Order
2 Review Protocol published for the Eastern District of Washington. Both parties
3 shall cooperate to ensure that the motion is promptly determined.

4 **IT IS SO ORDERED.**

5 DATED June 23, 2023.




JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE